

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:19-cv-67-FDW**

JOSEPH F. STEEPLETON, JR.,)
)
 Plaintiff,)
)
 vs.)
)
 FNU GREEN,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER comes before the Court on Plaintiff's *pro se* Letter, (Doc. No. 10), that is construed as a Motion for Reconsideration.

Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 on May 20, 2019, alleging that excessive force was used against him at the Alexander Correctional Institution.¹ He filed a Letter on June 12, 2019, stating that he would “like to stop this lawsuit” until he gets the \$350 to pay the filing fee. (Doc. No. 10 at 1). The court construed the Letter as a Notice of Voluntary Dismissal under Rule 41 of the Federal Rules of Civil Procedure and this action was terminated on June 27, 2019. (Doc. No. 9). Plaintiff filed the instant Motion for Reconsideration on July 21, 2019, arguing that he did not intend to voluntarily dismiss this case.

The Court will grant Plaintiff's Motion for Reconsideration because he did not, apparently, seek to have his Letter construed as a Notice of Voluntary Dismissal. See Fed. R. Civ. P. 60.

IT IS, THEREFORE, ORDERED that:

¹ Plaintiff's address of record is at the Southern Correctional Institution, however, the NCDPS website indicates that he is presently located at the Polk Correctional Institution. See <https://www.ncdps.gov/dps-services/crime-data/offender-search>. Plaintiff is cautioned that it is his responsibility to keep the Court apprised of his present address at all times or this action may be dismissed for lack of prosecution.

(1) Plaintiff's Letter, (Doc. No. 10), is construed as a Motion for Reconsideration and is
GRANTED.

(2) The Clerk of Court is instructed to reopen this case.

Signed: December 18, 2019

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

